

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 22-2137-GW-MAAx	Date	January 5, 2024
Title	<i>David Lawrence v. LVNV Funding LLC</i>		

Present: The Honorable	GEORGE H. WU, UNITED STATES DISTRICT JUDGE
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Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

PROCEEDINGS: IN CHAMBERS - ORDER

The present action brought under state and federal fair debt collection statutes was filed on March 31, 2022. *See* ECF No. 1. At the Fed. R. Civ. P. 26(f) scheduling conference on August 3, 2022, the Court set (*inter alia*) a mediation cut-off date of December 8, 2022, the close of regular discovery on December 16, 2022, and a trial date of March 21, 2023. *See* ECF No. 18. On December 7, 2022, Defendant filed a motion to voluntarily dismiss the case with prejudice (“Motion”). *See* ECF No. 31. Defendant did not oppose the Motion but requested that the Court keep jurisdiction over the matter to allow Defendant an opportunity to “pursue limited Discovery to present its request for an award of attorney fees and costs. 15 U.S.C. § 1692k(a)(3).” *See* ECF No. 33 at 2. 15 U.S.C. § 1692k(a)(3) provides in relevant part: “[o]n a finding by the court that an action under this section was brought in bad faith and for the purpose of harassment, the court may award to the defendant attorney’s fees reasonable in relation to the work expended and costs.” On January 5, 2023, the Court continued the hearing on the Motion to allow Defendant to do limited discovery. *See* ECF No. 38. Said discovery has been conducted.

Defendant has filed a Notice of Withdrawal of objection which states in relevant part: “despite strong evidence supporting Plaintiff’s case was pursued in bath faith, in the interest of conserving the Court’s and Defendant’s resources, Defendant will not pursue a prevailing party fee motion. Therefore, Defendant withdraws its Objection to Plaintiff’s Motion to Voluntarily Dismiss With Prejudice” In light of that Notice, the Court grants Plaintiff’s Motion to Voluntarily Dismiss [this lawsuit] with Prejudice. The action is dismissed with prejudice with each side bearing their own costs and attorneys fees.

Initials of Preparer JG